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Fax Cover Sheet

Date: 17 Apr 2002

To: Paul D. Golian	From: Malgorzata A. Walicka
Application/Control Number: 09/740,288	Art Unit: 1652
Fax No.: (302) 892-1026	Phone No.: (703) 305-7270
Voice No.: (302) 992-3749	Return Fax No.: (703) 305-3014
Re:	CC:

☐ Urgent ☐ For Review ☐ For Comment ☐ For Reply ☐ Per Your Request

Comments:

Please deliver directly to Dr. Paul D. Golian.

Thank you,

Malicka
Malgorzata Walicka



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Number of pages 3 including this page

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Assistant Commissioner for Patents
Washington, DC 20231

Dear Dr. Golian:

Our sequence search gives up to 89.7% homology for SEQ ID No: 22, and up to 89.1% homology for SEQ ID NO: 24, to *Arabidopsis thaliana* biotin synthase that is quoted by you in your IDS. Therefore, 102 rejection of claim 1 would be necessary over three papers from your IDS. In addition, under Table 5, on page 26, you write, "percent identity were performed using Megalign program of the LASERGENE bioinformatics computing suite (DNASTAR Inc. Madison, WI)." Thus, there is discrepancy between the specification and the claims regarding the program used for calculating percentage of identity.

Claim 14 and 15 are directed to "a DNA molecule", that is rejection for the scope of enablement is proper. Taking into account both issues I suggest the following examiner's amendment.

3. Examiner's amendment

draft

(a) Delete claims 2, 14 and 15.

(b) Change claim 1 to read:

1. An isolated polynucleotide comprising:

- (a) a nucleotide sequence encoding a polypeptide having biotin synthase activity, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO: 22 or 24 have at least 90% sequence identity, or

(b) the complement to the nucleotide sequence, wherein the complement and the nucleotide sequence contain the same number of nucleotides and are 100% complementary.

(c) Change claim 3 to read:

3. The polynucleotide of Claim 1, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO: 22 or 24 have at least 95% sequence identity.

(d) Change claim 26 to read:

26. A method for production a polypeptide encoded by the polynucleotide of Claim 1 comprising:

- (a) transforming a host cell by a recombinant DNA construct comprising said polynucleotide operably linked to a regulatory sequence,
- (a) cultivating the host cell under conditions allowing for expressing said polynucleotide, and
- (c) isolating said polypeptide.

Please call me.

Very truly yours,



Malgorzata A. Walicka, Ph. D.